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IASEC-M-5 (Draft)
17 January 1972

INTRA-AGENCY SECURITY COMMITTEE

Minutes of

Fifth Meeting

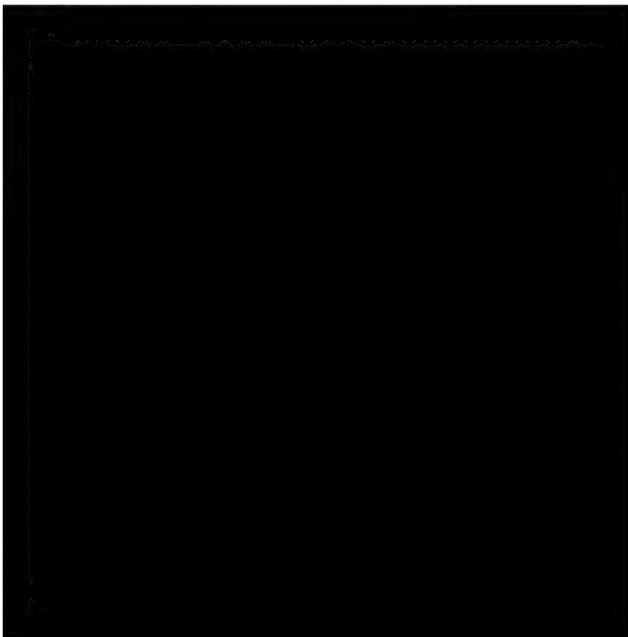
Room 4 E 64, CIA Headquarters Building
Monday, 17 January 1972, 1430 Hours


Acting Chairman
Presiding

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MEMBERS PRESENT:

25X1A9a



REPRESENTING:

National Intelligence Programs
Evaluation

Deputy Director for Support

Office of General Counsel

Deputy Director for Intelligence

Deputy Director for Plans

Deputy Director for Science
and Technology

Secretary

* Present for Part of Meeting

GROUP I
Excluded from automatic
downgrading and
declassification

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ALSO PRESENT:

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DD/I

FI Staff

Office of Logistics

Office of Security

CIA Top Secret Control Officer

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The Intra-Agency Security Committee was convened by the
25X1A9a Acting Chairman, Mr. [REDACTED] at 1430 hours on 17 January
1972 in the Office of Security conference room, 4E64.

25X1A9a Mr. [REDACTED] for the information of those Directorate repre-
sentatives attending for the first time, set forth the background
material which formed the basis for the instant meeting. He stated
that in January of last year Dr. Henry Kissinger sent out a memo-
randum requesting a study on classification in government as a result
of the President's Directive to initiate a review of the current security
classification procedures contained in Executive Order 10501, as
amended. An Interagency Committee was established, chaired by the
Department of Justice and comprised of representatives from the CIA,
DoD, NSC, State Department, and AEC.

The Committee met intermittently until August 1971 when a
draft revision of EO 10501 was circulated to the membership for
comment. Since then, no meetings were held to consider differences.
The matter remained dormant until an announcement by Congress that
hearings would be held on the subject of classification of information.

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Subsequently, Mrs. [REDACTED] Staff Secretary of the National Security Council submitted a final draft of a proposed revision of Executive Order 10501 for the selection of alternatives and comment.

25X1A9a Mr. [REDACTED] noted that the [REDACTED] draft contained many items of which 25X1A9a he and the IASEC had been unaware.

The Acting Chairman further commented that throughout the Rehnquist Committee deliberations the Agency representatives directed his attention to certain broad security principles important to CIA. They were:

1. The need to protect intelligence sources and methods over a long period of time;
2. Classified information in existence cannot automatically be declassified without prior review;
3. Lifting out the requirements already set forth in DCID No. 1/7 relating to the protection of intelligence sources and

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methods and appropriate markings, including being subjected to special requirements before being released to the public, and placing them in the proposed Executive Order 10501.

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Mr. [REDACTED] stated that the current draft encompasses the three principles with one exception; namely, it requires automatic declassification after 30 years. This is not acceptable to the Agency because the Clandestine Service still makes regular "hits" when checking current names against OSS records.

The Acting Chairman and the members present then proceeded to review the draft submitted by the Staff Secretary, NSC and the following proposed revisions were recommended:

- a. The Order could be shortened by deleting the list of thirty-nine departments and agencies in Section 2(c), pages 4A and B, excepting only ACTION and the Tennessee Valley Authority. Assuming that the heads of ACTION and the

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Tennessee Valley Authority are meant to possess authority for classification of "Confidential" only, Section 2(f)(2) would be deleted and Section 2(f)(3) would be changed to read "officials designated in writing by a superior in the same vertical chain of command or supervision who has 'Top Secret' or 'Secret' classification authority. "

- b. In the production of finished intelligence items, such as the President's Daily Brief and the Central Intelligence Bulletin, there is no practical way to break out various classifications of a particular article because the variety of sources are woven together into the whole. The requirement set forth in Section 2(g) would significantly increase the time required to both produce current intelligence and report

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intelligence information and decrease the readability of the product. We, therefore, recommend that Section 2(g), page 6, commence with the phrase "To the extent practicable."

- c. Section 2(h), pages 6 and 7, is unworkable within the Central Intelligence Agency in that its provisions would violate the "need-to-know" principle and the statutory responsibility of the Director of Central Intelligence to protect intelligence sources and methods. Individuals who have a "need-to-know" for the contents of intelligence documents do not have the same "need-to-know" for the identity of certain Central Intelligence Agency employees, particularly those engaged in operations abroad. A considerable portion of CIA produced data is originally classified overseas. It is recommended that this section be

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deleted or that documents containing intelligence information be exempted.

- d. The last sentence of Section 2(i), page 8, needs clarification. If it is meant to protect information which in the opinion of a contractor should be classified, it would appear that Section 14, page 59, would apply and this sentence would then be redundant.
- e. We have no particular preference between Alternative I and Alternative II of Section 4(a), pages 13-18. In either case, sensitive intelligence and information relating to intelligence sources and methods would be protected under the "Special Categories" provisions contained in Section 4(b)(1).
- f. The adoption of Alternative II, page 19, is recommended. The qualifying adjective "highly" in Alternative I is considered unnecessary because the word "sensitive" itself

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establishes a need for protection. Alternative III is already included in Section 4(b)(1)b(ii) and need not be repeated.

- g. Since both Alternatives I and II of Section 4(b)(1)c(ii), page 20, relate solely to foreign policy, we defer to the Department of State.
- h. We prefer Alternative II of Section 4(b)(3), page 22. However, it is recommended that Section 4(b)(4) be amended to read as follows: "All information and material classified pursuant to Section 4(b)(1)c of this Order shall be reviewed for declassification after 30 years from the date of its original classification if it has not earlier been declassified." This change is necessary to protect those persons, systems, plans, and projects which require protection even after 30 years.

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- i. Since the proposed Executive Order will rescind Executive Order 10964, it is suggested that subparagraph Section 4(i)(1), page 26, be deleted.
- j. To protect information and material which relates to intelligence sources and methods, we most strongly urge that the following subparagraph be added to the "Retroactive Application" section of the Executive Order on page 28: "The exemption specified in Section 4(b)(1), 4(b)(1)a, and 4(b)(1)b shall apply to information or material pertaining to intelligence sources and methods or that containing sensitive intelligence which was classified under the provisions of previous Executive Orders."
- k. To avoid misinterpretation, it is suggested that the last sentence of Section 5(k)(3), page 35, read as follows: "Failure to comply with the foregoing could result in the imposition of a fine and/or

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imprisonment and, in addition, in the case of government personnel, dismissal or other disciplinary action."

1. We prefer Alternative I of Section 8(b), page 46, since the publication of Alternative II would cast official doubt on the effectiveness of the President's anti-hijacking program. In any case, heads of departments and agencies can regulate such travel if and when they deem it advisable.
- m. Alternative III of Section 10(d), page 55, is preferred because the committee envisioned under Alternatives I and II would be so large as to be unmanageable. However, the responsibility of the committee as set forth in Alternative I appears to be more realistic than in the other alternatives. We have no choice as to whether the chairman of the committee be a member of the executive branch or the President's staff.
- n. It is noted that Section II is missing from the draft.

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- o. Section 15B is obviously in error and not intended to be a part of the Executive Order.
- p. Two minor errors have been noted. In the last sentence of the preamble the word "invested" should be "vested." In Section 1(b), line 3, page 2A, between the words "on" and "important" there should be added the word "jeopardizing" or the word "endangering."

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The DD/I representatives, Messrs. [REDACTED] concurred in the proposed revisions with reservations. They expressed concern how the DD/I would implement specific portions of the proposed Executive Order. Strict compliance with certain procedures in this Executive Order concerning accountability for classified materials would increase the volume of paper work in this Agency enormously. This in turn would delay the processing of classified materials and the production of finished intelligence and would require a very large increase in CIA's clerical staff, especially in those components responsible for the receipt, dissemination, storage and retrieval of documents.

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The Acting Chairman said that the DD/I would have the opportunity to set forth their reservations in detail when the Committee's final revision is sent through for coordination within the Directorates and the OGC.



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Secretary *U*

Adjournment: 1615 hours